THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 30-08-2005

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WRIT PETITION No.19036 OF 2005

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Between:

S.Muini Yugandar Babu . . .Petitioner

And

The Govt. of A.P. and another . . .Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.19036 OF 2005

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O R D E R:

The petitioner was initially engaged as N.M.R. by Sri Swamy Hathiramjee Mutt, Tirupathi, the second respondent herein. Subsequently, he along with three others, was absorbed to the post of Attender on the basis of the proceedings dated 17-11-1999 issued by the Commissioner of Endowments, the first respondent herein. The petitioner states that he is qualified to be promoted to the post of Record Assistant. His grievance is that though his representation in

this regard is pending since last several months, no action has been taken by the second respondent so far.

Heard the learned counsel for the petitioner, the learned Government Pleader for Endowments and the learned Standing Counsel for the second respondent.

The petitioner was initially engaged as N.M.R.. Later on, he was absorbed as an Attender in the second respondent Mutt, in the year 1999. It is true that the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Office Holders and Servants Service Rules, 2000, provide for promotion of Attenders to the post of Record Assistant in case, they hold requisite qualifications and fulfill other conditions. However, mere possession of qualifications by an incumbent does not entitle him either to be appointed or to be promoted. Much would depend upon the existence of vacancies, and consideration of the claims of other eligible candidates. The question as to whether there exists any vacancy of Record Assistant and whether there are any seniors, to the petitioners, who hold the requisite qualifications to be considered for promotion of that post, needs to be examined by the second respondent. This Court cannot record any finding at this stage. At the same time, the representation of the petitioner cannot be kept pending indefinitely.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to make a fresh representation before the appointing authority, the second respondent. In case, it emerges that there exists any vacancy of Record Assistant, the case of the petitioner, along with the other qualified candidates, shall be considered and appropriate orders be passed, within a period of two months from the date of receipt of a copy of this order.

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(L.NARASIMHA REDDY, J)

30th AUGUST, 2005.

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